

FILED

1:29 pm Mar 28 2023

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**Clerk U.S. District Court
Northern District of Ohio
Akron**

HANNAH KILCHENMAN,)	CASE NO.: 5:22-cv-00896
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	
SMASH RESTRO AND BAR, LLC,)	<u>MEMORANDUM OF OPINION AND</u>
)	<u>ORDER</u>
Defendant.)	(Resolving Docs. 7 and 23)
)	

This matter came before the Court on Plaintiff Hannah Kilchenman's Motion for Default Judgment against Defendant Smash Restro and Bar, LLC. This matter was filed on May 27, 2022. On October 5, 2022, Defendant's counsel filed a Motion to Withdraw. (Doc. 19). On October 6, 2022, the Court granted the Motion, reminding Defendant that, as a limited liability company, it could not defend the matter without counsel. (Doc. 20). On October 19, 2022, the Court held a telephonic case management conference and Defendant failed to appear. On October 20, 2022, the Court issued an Order setting another case management conference and ordered Defendant to show cause for its failure to appear at the October 19th hearing. (Doc. 21). This Order further stated that failure to appear at the next case management conference would result in sanctions, including the possible entry of judgment against Defendant. (Doc. 21).

On November 29, 2022, the Court held the second case management conference and Defendant failed to appear. Further, Defendant failed to retain new counsel and failed to respond to the Court's Order to show cause. At the November 29th hearing, Plaintiff's counsel indicated that they would be seeking default judgment against Defendant. On March 17, 2023, Plaintiff filed

a Motion for Default Judgment for Defendant's failure to appear in the matter after its counsel withdrew. (Doc. 23).

Defendant was notified that failure to appear at the November 29, 2022 case management conference would result in sanctions, including the possibility of judgment entered against it. Defendant failed to appear at the November 29th case management conference, failed to respond to the Order to show cause, and failed to retain new counsel, without which it could not defend this action. Therefore, the Plaintiff's Motion for Default Judgment is hereby GRANTED and judgment on the Complaint is entered against Defendant.¹

Plaintiff shall file an itemized list of proposed damages with the Court no later than April 11, 2023. Plaintiff shall include a Proposed Order of damages. Defendant shall file a response to the proposed damages, if any, no later than April 25, 2023. A hearing to determine damages is scheduled for July 12, 2023 at 10:00am. All parties and counsel shall attend in person.

IT IS SO ORDERED.

Date: March 28, 2023

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

¹ On July 21, 2022, Defendant filed a partial Motion to Dismiss. (Doc. 7). Pursuant to the Court's Order herein, that Motion is DENIED.